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★ **JAN 05 2018** ★

LONG ISLAND OFFICE

JJD:JAM
F.#2017R01195

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ZOOBIA SHAHNAZ,

Defendant.

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STIPULATION
AND ORDER PERTAINING TO
UNCLASSIFIED INFORMATION

No. 17-CR-690 (JS)

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys and ORDERED by the Court, pursuant to Federal Rule of Criminal Procedure 16(d), that:

1. Any and all discovery material designated by the government as “highly sensitive discovery material” and “sensitive discovery material,” produced to the defendant ZOOBIA SHAHNAZ (the “defendant”) by the government in the above-captioned case, and any and all copies, notes, transcripts, documents or other information derived or prepared from the sensitive discovery material, may be used by the defendant and defense counsel for any purpose consistent with this order in furtherance of the representation of the defendant in connection with the above-captioned indictment;

2. Any and all highly sensitive and sensitive discovery material produced to the defendant by the government and any copies, notes, transcripts, documents or other information derived or prepared from the highly sensitive or sensitive discovery material shall not be further disseminated by the defendant or defense counsel to any individuals,

organizations or other entities, other than members of the legal staff of and expert witnesses and interpreters retained by defense counsel who have signed this Stipulation and Order, without further order of the Court;

3. Each of the individuals to whom disclosure is authorized in paragraph 2, that is, members of the legal staff of and expert witnesses and interpreters retained by defense counsel who have signed this Stipulation and Order, shall be provided a copy of this Stipulation and Order and will be advised that he or she shall not further disseminate any portion of the highly sensitive and sensitive discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the highly sensitive and sensitive discovery material except in conformity with this Stipulation and Order;

4. The defendant may review the highly sensitive discovery material only in the presence of defense counsel or defense counsel's legal staff. The defendant is prohibited from having possession, custody, or control of the highly sensitive discovery material, except to the extent necessary for the defendant to review the highly sensitive discovery material in the presence of defense counsel or defense counsel's staff. The defendant is further prohibited from disseminating any highly sensitive or sensitive discovery material, and may not take highly sensitive discovery material, or copies thereof, into any jail facility outside the presence of defense counsel or defense counsel's legal staff, possess highly sensitive discovery material or copies in any such facility outside the presence of defense counsel or defense counsel's legal staff, or provide information from highly sensitive discovery material to others.

5. Where the defendant and/or defense counsel wishes to disclose any portion of the highly sensitive or sensitive discovery material or any copies, notes,

transcripts, documents or other information derived or prepared from the highly sensitive or sensitive discovery material to any individual to whom disclosure is not authorized by paragraph 2, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

6. None of the highly sensitive or sensitive discovery materials nor any copies, notes, transcripts, documents or other information derived or prepared from the said material shall be disseminated to, or discussed with, the media in any form. Nothing in this Stipulation and Order prohibits the media from obtaining copies of any items that become public exhibits at any conference, hearing, trial or other proceeding; where the defendant and/or defense counsel wishes to attach any portion of the highly sensitive or sensitive discovery material to public filings made with the Court, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

7. Nothing in this Stipulation and Order in any way releases counsel for the government or defense counsel from the obligation of the “Free Press Fair Trial Directives” of Local Rule 23.1 of the Local Criminal Rules of the Eastern District of New York;

8. Nothing in this Stipulation and Order shall preclude the government from seeking a further protective order pursuant to Rule 16(d) as to particular items of highly sensitive or sensitive discovery material or other discovery material;

9. If the defendant obtains substitute counsel, the undersigned defense counsel will not transfer any portion of the highly sensitive or sensitive discovery material or any copies, notes, transcripts, documents or other information derived or prepared from said material unless and until substitute counsel enters into this Stipulation and Order;

10. The defendant and defense counsel will return to the government the sensitive and highly sensitive discovery material and all copies thereof, whether in the possession of the defendant, defense counsel or members of the legal staff and expert witnesses and interpreters retained by defense counsel who have signed this Stipulation and Order, when defense counsel ceases to represent the defendant. This order permits the defendant and defense counsel to maintain said discovery material through direct appeal and any post-conviction matters. If the defendant files a motion for post-conviction relief where the defense counsel is required to provide substantive factual responses to allegations made by the defendant, the parties will enter into a separate protective order for the discovery materials in that proceeding and the government will provide the relevant discovery materials to defense counsel pursuant to that order;

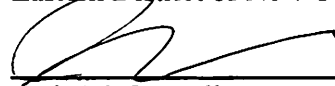
11. Any violation of this Stipulation and Order (a) will require the immediate return to the United States of the highly sensitive and sensitive discovery material and all copies thereof, and (b) may result in contempt of Court.

12. This Stipulation and Order pertains only to unclassified highly sensitive and sensitive discovery material. Nothing in this Stipulation and Order shall alter or control the handling of any classified material pursuant to the Classified Information Procedures Act and any applicable rules and regulations.

Dated: Central Islip, New York
January 2, 2018

BRIDGET M. ROHDE
United States Attorney
Eastern District of New York

By:


Artie McConnell
Assistant U.S. Attorney
(631) 715-7825


Steve Zissou, Esq.

SO ORDERED
this 5 day of January 2018

/s/ Joanna Seybert


THE HONORABLE JOANNA SEYBERT
UNITED STATES DISTRICT JUDGE